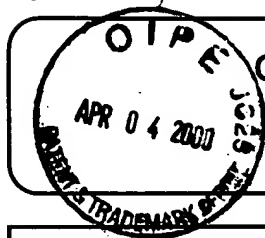


4-6-00

PTO/SB/29 (12/97) (modified)

Approved for use through 09/30/00. OMB 0651-0082

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

TECH CENTER 1600/2900

ADDRESS TO: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	311772000500
	First Named Inventor	Richard C. ALLEN et al.
	Express Mail Label No.	EL334460208US
	Total Pages	17

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d),

☒ (continued prosecution application (CPA)) of prior application number 09/002,413 filed on January 2, 1998, entitled USE OF PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under CFR 37 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4):
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

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36.0001 FC 231
02 FC 202
03 FC 203

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	24 - 20 =	4	X \$18.00 =	\$72.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	7 - 3 =	4	X \$78.00 =	\$312.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$260.00 =	N/A
				BASIC FEE (37 CFR 1.16(a))	\$690.00
				Total of above Calculations =	\$1074.00
	Petition for Extension of Time				\$380.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$727.00
	TOTAL =				\$727.00

6. Small entity status:

- a. ☒ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. 03-1952 (reference docket no.311772000500):

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$727.00 is enclosed.
9. ☒ Other: Petition for Extension of Time and Return Receipt Postcard

NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

Karen R. Zachow
Registration No. 46,332

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5895
Facsimile: (650) 494-0792

Dated: April 4, 2000

Respectfully submitted,

By: Karen R. Zachow
Karen R. Zachow

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL334460208US

Date of Deposit: April 4, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Gary Paulazzo
Gary Paulazzo

#18/C
Davis
04/10/00

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Gary Patmarzo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

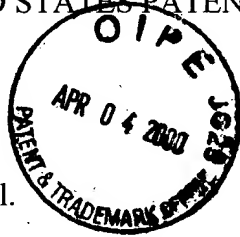
In the application of:

Richard C. ALLEN et al.

Serial No.: 09/002,413

Filing Date: January 2, 1998

For: USE OF PIGMENTED RETINAL
EPITHELIAL CELLS FOR CREATION
OF AN IMMUNE PRIVILEGE SITE



Examiner: M. Wilson

Group Art Unit: 1633

PRELIMINARY AMENDMENT

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is to address the Examiner's concerns in the Final Office Action dated November 4, 1999 in connection with the above-identified application.

Applicants have given careful consideration to the grounds for rejection. The following amendments and accompanying remarks are believed to place this application in condition for allowance, which is respectfully requested.

I. AMENDMENTS

Please enter the following amendments without prejudice or disclaimer.